G. R. S. 59] GPB—3,000—20-7-12

GENERAL AND REVENUE SECRETARIAT.

1912.
(S & A) (8)

File No. 330—12

Serial Nos. 1—2

Papers Filed.

Month December 12

SUBJECT.

Wound pension to Driver Sheik Mahomed of the Imperial Service Transport Corps.

PREVIOUS REFERENCES.

LATER REFERENCES.
B April 13 ses 304 S & A 330-12

G.R.S. 11] 1912-13

GENERAL AND REVENUE SECRETARIAT.

(Sta.)

NOTES.

File No. 330

FILE HEADING.

Wound pension to driver Sheik Mahomed of the I. Service Transport Corps.

From The Comptroller

No. 3446/416. Dated 20-11-12 Received 21-11-12.

Diary No. 1825	Enclos.	Spare Copies.	Serial No. 1.

BRIEF ABSTRACT OF LETTER.

Forwards duly verified the pension papers of Sheik Mahomed and recommends the grant of a wound pension of the 4th degree viz Rs 2-7-0 pm.

NOTES AND ORDERS.

1/ A wound pension is recommended on behalf of the driver, who, it is reported "has been disabled on account of a kick he received from his pony". It is now a point for consideration whether the Kick

NOTES—First Sheet.

GPB—30,000—12-8-11

R. S. 12]

General and Revenue Secretariat.

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Kick was sustained in the execution of public duty from no fault of his own so as to entitle him to a wound pension (Vide art: 381 Wound Rules). The papers submitted do not disclose the circumstances under which the kick was received. The medical history of the driver shows that he was suffering from "Fracture upper 3rd right ulna" from the 4th June to the 29th July 1910. and the absence of any remarks under col: 8 therein ~~[illegible]~~ suggests the idea that it was not set right. The Dy medical officer to whom the driver was sent for examination certifies that "Driver Sheik Mohamed is suffering from chronic dislocation of the radius and old fracture of the ulna (bones of the forearm)." and "is permanently incapacitated for further service of any kind in consequence of deformed and disabled forearm (Right)" Whether, in these circs, the kick cannot be construed as a mere accident that

NOTE—Contn. sheet.

GIP—65,000—17-6-12.

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that aggravated the already existing disability and the case cannot be brought under ~~retirement~~ ordinary discharge as physically unfit for further service, entitling him to an invalid gratuity under art: 371. instead of wound pension under art: 381. M.S.R. is a point for consideration. The case requires further scrutiny. Whether the driver could have continued in service with the chronic dislocation of the radius and old fracture of the ulna ~~bone~~ but for the kick requires elucidation.

Subs for orders.

DMR-47 ~~Bde~~.

5-12-12

2) What would [illegible] admissible under ordinary rules be?

6.XII.12

3) The driver has rendered 8 years' service and was drawing a pay of Rs 10/. No rules have been prescribed in the M.S.R. regulating pension and gratuity to I.S.T. ~~Coy~~ Corps. Only provision has been made for wound pension

NOTE—Contn. sheet.

GIP—65,000—17-6-12.

R. S. 12]

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pensions to them. On the analogy therefore of the provisions contained in art: 371 and 377. M.S.R, a gratuity of 3 months' pay viz Rs 30/- will be admissible...
Subs.
DMS 27 Nov.
6.12.12

(4) A stiff leg is a mere accident and cannot be the ground for a pension. I do not think Art 381 contemplates such cases. Whether or not there was contributory negligence has not been stated. Which perhaps is a proper thing which is inherent in horseflesh and the driver is expected to take care against any mishap of this kind. Unless it is distinctly proved that the sick that disables him could not have been prevented under any circumstance, there seems to be no good ground for the wound pension allowance. There are no rules for giving any gratuity but on the analogy of Arts 371 & 377 perhaps a gratuity of Rs 60 would meet all the requirements of the case. The man according to the medical certificate is still able to earn a living.

6.XII.12

How? It is stated that he cannot use his right hand even to eat and dress

8/12/12

Pension proposed is one of the lowest. Therefore the man is able to contribute his share.

11.XII.12

The pension is applied for under

GIP—65,000—17-6-12.

(15

● R. S. 12]

General and Revenue Secretariat.

SHA File No. 330 of 1912

Serial No.

Art 381 M.S.R which requires that

(a) the man should become unfit for further service -

(b) the injuries making him so should have been sustained in the execution of public duty

(c) the injuries should have been sustained through no fault of the man himself -

(a) is proved - but (b) is not proved and as regards (c) there is no evidence at all -

Explain all this and state that the papers in their present state do not make out a case for pension under Arts 381 & 382 M.S.R -

File

8/12/12

Draft as ad.
DDR 24.7
11-12-12

11.XII.12

20/12

NOTE—Contn. sheet.

GIP—65,000—17-6-12.

(6

R. S. 12]

General and Revenue Secretariat.

File No. 830 of 1912

Serial No.	
2	To the Comptroller. No 7l 3490 Dt 26-12-12 Informs him as in the above note.

NOTE—Contn. sheet.

GPB—65,000—17-6-12.

DIARY No. 1825

19/12/13

SECTION SIA

FILE No. 330-12

SERIAL No. 1

It is requested that in future communications on the subject, the No. and date of this letter, and the distinguishing letters below the number as given opposite, may be quoted and addressed to the Comptroller, Mysore Government.

No. 3446 4/6 file

OFFICE OF THE COMPTROLLER, MYSORE GOVERNMENT;

Dated Bangalore, the 20-11- 19/2

FROM

J. S. CHAKRAVARTI, ESQ., M.A.,
F.R.A.S., etc.,
Comptroller to the Government of
His Highness the Maharaja of Mysore.

To

.....Esq.,

The *Secretary to the Government of Mysore,*

F I N A N C I A L .....*Department.*

SIR,

I have the honour to forward herewith duly verified the pension papers of Driver Shaik Mahomed (No. 275) of the -- Imperial Service Transport Corps and to request that a wound pension of the 4th degree viz., Rs.2-7-0 per mensem may be -- sanctioned on his behalf under Article 381 and 382 of the Mysore Service Regulations for a qualifying service of 8 years and 6 months.

I have the honour to be,

Sir,

Your most obedient servant,

For Comptroller.

T.G.S.

Rec.—Gl. 17]

.....Department.

19/12

FROM

J. S. CHAKRAVARTI, ESQ., M.A.,
F.R.A.S., etc.,
Comptroller to the Govt. of
H. H. the Maharaja of Mysore.

To

.....ESQ.,

Secretary to the Govt. of Mysore,
Genl & Rev .....*Dept.*

Dated

Despatched 20-11-12

Received

No. 3446/416 & 1 file.

Subject matter.

Forwarding duly verified
Session Papers of Assembly
Shah Mahomed J.P.J.C.

GPB—2,500—25-10-10

I.R.S.

File No. 3507

Serial No.

Diary No. of letter replied to 1825

No. 3490

26-12-12

General and Revenue Secretariat

(S.L.a.)

, the *19* .

To

The Comptroller

Sir,

Date of issue 26-12-12

Signed by W. Hon. Financial

Adverting to your letter No. 3446/416 dated the 20th Nov. 1912 submitting the pension papers of Driver Shaik Mahomed (No. 275) of the I. Service Transp. Corps and recommending the grant to him of a second pension of the 4th degree viz Rs 2-7-0 p.m, I am directed to state that the grant of a second pension under art: 381 M.S.R.

over.

SUBJECT.

is ~~subject~~ to the following
conditions :—

(a) The man should become unfit
for further Service.

(b) The injuries making him
so should have been sustained
in the execution of public duty ~~and that~~

(c) The injuries should have
been sustained through no
fault of the man himself.

In the present case. (a) is proved
But (b) is not proved and as
regards (c) there is no evidence
at all. I am therefore directed
to State that the papers in
their present State do not
make out a case for pension
under arts: 381 and 382. A. S. R.

2. The pension papers of
the driver recd with your letter
under reply are herewith ret^d

I have etc

~~J~~ H. Secretary

List of enclosures,

Copied by
Examined by

DDR 24 Nov.
11-12-12

11.XII.12

GPB—20,000—23-9-10